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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GENACK, MATTHEW W

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,368

Applicant(s)

DUNN ET AL.

Examiner

Matthew W. Genack

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 12-13, 18-22, 29-30, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith *et. al.*, U.S. Patent No. 6,219,409.

Regarding Claims 1 and 20, Smith *et. al.* discloses a premises gateway for allowing various devices, each connected to a different telephone jack on the subscriber's premises, but all connected to a single telephone line, to be treated differently; said premises gateway has interchangeable network interface cards as well as cards for communicating with the different nodes on a subscriber's premises (Abstract, Column 3 Lines 27-58, Figs. 1 and 9). With reference to Figure 9, the Network Interface Cards 175 collectively constitute a network interface device that is in communication with the telephone network, and the CPU Board 186 and PNI Communication Cards 187 collectively constitute a base unit. The CPU board executes

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an algorithm according to which it either causes an incoming telephone call to be delivered to a device at a specific telephone wall jack, or prevents said incoming telephone call from being delivered to the device at said specific telephone wall jack (Column 3 Lines 56-65, Column 9 Lines 6-47, Column 10 Lines 15-18 and 39-54, Column 15 Line 61 to Column 16 Line 32, Figs. 3-5).

Regarding Claims 2 and 21, each telephone wall jack has an associated premises network interface (PNI) that is individually addressed by the CPU board (Column 3 Lines 51-60). A PNI cooperates with the CPU board in processing the incoming telephone call (Column 13 Line 55 to Column 14 Line 11).

Regarding Claims 3 and 22, the CPU board can instruct the appropriate PNI to generate a ring signal for the device to which it is connected (Column 15 Lines 56-60).

Regarding Claims 12-13 and 29-30, the identity of the caller is used in the determination of the appropriate routing (or lack thereof) of the incoming call within the premises (Figs. 3-5).

Regarding Claims 18 and 35, the identity of the calling party may be identified using one of a plurality of special ringing tones (Column 14 Lines 35-39, Column 16 Lines 33 to Column 17 Line 4).

Regarding Claim 19, it is inherent that a PNI may output to two telephone devices with the use of a one-port-to-two-port telephone adapter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et. al.* in view of of Salazar *et. al.*, U.S. Patent No. 5,802,467.

Smith *et. al.* does not expressly disclose the presence of power sources inside of the base unit and the extension control device.

Salazar *et. al.* discloses a wireless and wired communications system comprising a handset and base station (Abstract, Column 1 Lines 8-13). Base station power may be provided with a backup battery pack located inside of the base station (Column 25 Lines 33-38, Fig. 4).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et. al.* by providing for batteries inside of the premises gateway.

One of ordinary skill in the art would have been motivated to make this modification because of the convenience offered to the user when he is able to use the invention when AC power is unavailable.

6. Claims 6-8 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et. al.* in view of Ikonen *et. al.*, U.S. Patent No. 6,473,078.

Regarding Claims 6 and 23, Smith *et. al.* discloses the ability of the premises gateway to identify a specific PMI, as outlined in the rejection of Claims 1 and 20 above.

Smith *et. al.* does not expressly disclose the detection of the presence of a PMI by the premises gateway.

Ikonen *et. al.* discloses a method and device for power management of an integrated display unit and at least one peripheral device (Abstract, Column 1 Lines 9-11). Ikonen *et. al.* discloses the means for detecting signals associated with a telephone peripheral device, and thereby to detect if said peripheral device is connected to the integrated display unit (Column 5 Lines 2-10, Fig. 1).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et. al.* by providing for the detection of the presence of the PMIs by the premises gateway.

One of ordinary skill in the art would have been motivated to make this modification because if a PMI, for whatever reason, is not connected, then it would be pointless to send a ringing signal to said PMI in the event that the telephone normally connected to that PMI is the only telephone in the residence that is to ring for a certain incoming telephone call.

Regarding Claims 7-8 and 24-25, Smith *et. al.* discloses the means for the identification of specific PMIs by the premises gateway, as outlined in the rejection of Claims 1 and 20 above. The naming of PMIs by the premises gateway, and the storage of these identifying names in said premises gateway, is inherent to the invention of Smith *et. al.*, since ringing signals may be sent from the premises gateway to only a subset of the set of all PMIs within the premises.

7. Claims 9, 11, 16, 26, 28, 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et. al.* in view of Swan *et. al.*, U.S. Patent No. 5,978,451.

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Regarding Claims 9 and 26, *Smith et. al.* does not expressly disclose means for direct control of the premises gateway via a DTMF interface.

Swan et. al. discloses that the user may control the PCC with a DTMF interface (Column 6 Line 63 to Column 7 Line 7, Column 7 Lines 19-24, Fig. 3a).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of *Smith et. al.* by providing a DTMF interface with the premises gateway.

One of ordinary skill in the art would have been motivated to make this modification so as to provide the user with the convenience of being able to program the premises gateway with a familiar type of interface.

Regarding Claims 11 and 28, *Smith et. al.* does not expressly disclose the use of voicemail messaging.

Swan et. al. discloses that the PCC may selectively transmit a voicemail message to callers (Column 6 Line 63 to Column 7 Line 7, Column 9 Lines 17-27, Fig. 3a).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of *Smith et. al.* by providing for voicemail messaging from the premises gateway to a calling party.

One of ordinary skill in the art would have been motivated to make this modification so as to provide an additional option to the user for handling an incoming call that he does not wish to be routed to one of the devices on the premises.

Regarding Claims 16 and 33, Smith *et. al.* does not expressly disclose the use of a code that callers may use to bypass the call screening feature.

Swan *et. al.* discloses that certain callers may bypass call screening by entering a predetermined override password that is part of the configuration data of the PCC (Column 9 Lines 53-63).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et. al.* by providing for a predetermined override password that allows a caller to bypass the call screening feature.

One of ordinary skill in the art would have been motivated to make this modification so as to allow a caller to speak with the called party in the event of an emergency.

8. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et. al.* in view of Kynast *et. al.*, U.S. Patent No. 6,823,354.

Smith *et. al.* does not expressly disclose the presence of a voice interface for allowing the user to control the premises gateway and thereby modify how it functions.

Kynast *et. al.* discloses a terminal and method for using services offered by a master station in the context of telephony, including cordless telephony (Abstract, Column 1 Lines 8-9, Column 4 Lines 21-26, Fig. 1). The terminal may be controlled with voice input (Column 4 Lines 32-33, Fig. 1).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et. al.* by providing for a voice

interface that allows the user to control the premises gateway and thereby modify how it functions.

One of ordinary skill in the art would have been motivated to make this modification because of the convenience and popularity of voice interfaces.

9. Claims 14-15 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et. al.* in view of Warburton *et. al.*, U.S. Patent Application Publication 2001/0003706.

Smith *et. al.* does not expressly disclose the selective routing (or lack thereof) of an incoming call based upon the time of day.

Warburton *et. al.* discloses a cordless telephone apparatus comprising a base station connected to the PSTN and having means for handling incoming calls based on several criteria, and a handset (Abstract, [0023] Lines 1-8, [0024] Lines 1-10, Figs. 1-2). The presence of a device to interface the base station with the PSTN is inherent. An incoming call to a specific handset within a household may be routed to said handset or diverted from said handset based on the status of said handset ([0008], [0009], [0010], [0014] Lines 6-14, [0036], [0038], [0040]). Warburton *et. al.* discloses the selective routing of an incoming call to a handset based on the time of day and the location of said handset ([0051] Lines 1-3, [0061], [0062], [0068]).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et. al.* by providing the premises gateway with the ability to selectively route, or block, an incoming telephone call based upon the time of day.

One of ordinary skill in the art would have been motivated to make this modification because there are periods of the day when a user may desire incoming calls to be blocked, or to be routed only to a certain room.

10. Claims 17 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et. al.* in view of Borland, U.S. Patent No. 6,122,347.

Smith *et. al.* does not expressly disclose the presence of the means by which a caller's voice is analyzed and a decision to allow or block the call is made based upon the results of the voice analysis.

Borland *et. al.* discloses a system and method by which the voice of a caller's voice is analyzed and compared to information stored in a database, after the user speaks upon being prompted to do so at the beginning of a telephone call (Abstract, Column 2 Lines 60-63, Column 9 Lines 31-37, Column 9 Line 64 to Column 10 Line 1, Fig. 5).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Smith *et. al.* by providing means for analyzing and recognizing caller's voices and making a decision to allow or block the call is made based upon the results of the voice analysis.

One of ordinary skill in the art would have been motivated to make this modification because of the possibility of an unwanted caller making a telephone call from a number other than the normal telephone number used by that caller, or because of the possibility of a residence only allowing telephone calls from certain individuals

who normally call from a limited set of telephone numbers, but who may, in the event of an emergency, call from other telephone numbers.

Response to Arguments

11. Applicant's arguments with respect to Claims 1-35 have been considered but are moot in view of the new grounds of rejection necessitated by Applicant's amendments, filed 24 May 2006.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Genack whose telephone number is 571-272-7541. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7541.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Matthew Genack

Examiner

TC-2600, Division 2617



9 August 2006


DUC NGUYEN
PRIMARY EXAMINER